(31)

UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.1
9 March 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-sixth session
Agenda item 26

DRAFT PROVISIONAL AGENDA FOR THE FORTY-SEVENTH SESSION

Note by the Secretary-General

The following draft provisional agenda for the Commission's forty-seventh session is submitted in accordance with the provisions of paragraph 3 of Economic and Social Council resolution 1894 (LVII) and includes an indication for each item of the documents to be prepared in implementation of the relevant Commission decisions. If necessary, this draft provisional agenda will be amended in the light of any decisions which the Commission may take after the preparation of this document.

GE. 90-11800

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

Legislative authority: relevant resolutions and decisions of the General Assembly, Economic and Social Council and the Commission.

Documentation:

Report of the independent expert on the human rights situation in Guatemala (paragraph 14 of resolution 1990/80), to be considered under an item of the agenda to be determined in the light of the above-mentioned report (paragraph 15 of resolution 1990/80).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

Legislative authority: Commission resolutions 1990/2 A, 1990/2 B and 1990/3.

Documentation:

(a) Reports of the Secretary-General (paragraph 5 of resolution 1990/2 A, paragraph 6 of resolution 1990/2 B and paragraph 6 of resolution 1990/3);

(b) List of United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories (paragraph 6 of resolution 1990/2 A).

5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts.

Legislative authority: Commission resolutions 1990/11 and 1990/26.

Documentation:

(a) Report of the Ad Hoc Working Group of Experts (paragraph 8 of resolution 1990/11);

(b) Report of the Secretary-General (paragraph 10 of resolution 1990/11);

(c) Final report of the Ad Hoc Working Group of Experts (paragraph 30 of resolution 1990/26).

6. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa.

Legislative authority: Commission resolution 1990/22.

Documentation:

Updated report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (paragraph 3(a) of draft resolution I recommended to the Economic and Social Council for adoption (resolution 1990/23)).

7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

Popular participation in its various forms as an important factor in development and in the full realization of all human rights.

Legislative authority: Commission resolutions 1990/14 and 1990/17.

Documentation:

Report of the Secretary-General (paragraph 2 of resolution 1990/14).

READEX FICHE

8. Question of the realization of the right to development.

Legislative authority: Commission resolution 1990/18.

Documentation:

Report of the Secretary-General (paragraph 7 of resolution 1990/18).

9. Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development.

Legislative authority: Commission resolution 1990/24.

Documentation:

Report of the Special Rapporteur (paragraph 2 of resolution 1990/24).

10. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1990/4, 1990/5, 1990/6, 1990/7, 1990/8 and 1990/9.

Documentation:

(a) Report of the Secretary-General transmitting information pertaining to the implementation of resolution 1990/6 (paragraphs 9 and 10 of resolution 1990/6);

(b) Report of the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (paragraph 19 of resolution 1990/7).

11. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances.

Legislative authority: Commission resolutions 1990/28, 1990/29, 1990/30, 1990/31, 1990/32, 1990/33, 1990/34, 1990/36 and 1990/81.

Documentation:

(a) Report of the Secretary-General on the status of the Covention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (paragraph 8 of resolution 1990/28);

(b) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (paragraph 6 of resolution 1990/29);

(c) Report of the Working Group on Enforced or Involuntary Disappearances (paragraph 4 of resolution 1990/30);

(d) Updated report of the Secretary-General on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will (paragraph 6 of resolution 1990/31);

(e) Preliminary report of the Special Rapporteurs (paragraph 9 of resolution 1990/32);

(f) Report of the Special Rapporteur appointed to examine questions relevant to torture (paragraph 20 of resolution 1990/34);

(g) Report of the Secretary-General on the decisions taken by the Eigth Universal Declaration of Human Rights Congress on the Prevention of Crime (paragraph 10 of resolution 1990/81);

(h) Report by the Sub-Commission (paragraph 12 of resolution 1990/81).

12. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission.

Legislative authority: Commission resolutions 1990/71, 1990/72, 1990/75 and 1990/76.

Documentation:

(a) Report of the Secretary-General on the progress achieved in the implementation of resolution 1990/71 (paragraph 7);

(b) Report of the Secretariat (paragraph 4 of resolution 1990/72);

(c) Report of the Secretary-General (paragraph 15 of resolution 1990/72);

(d) Report of the Secretary-General on reprisals against witnesses or victims of human rights violations (paragraph 4 of resolution 1990/76).

13. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by the Commission at its forty-sixth session.

Legislative authority: Commission resolutions 1990/48, 1990/49, 1990/50, 1990/51, 1990/52, 1990/53, 1990/54, 1990/56, 1990/77, 1990/78 and 1990/79 and Commission decision 1990/104.

Documentation:

(a) Information furnished by the Government of Cuba (paragraph 2 of resolution 1990/48);

(b) Information furnished by the Secretary-General (paragraph 3 of resolution 1990/48);

(c) Report of the Secretary-General (paragraph 2 of resolution 1990/49);

(d) Report of the Special Rapporteur on the human rights situation in Romania (paragraph 6 of resolution 1990/50);

(e) Report of the Special Rapporteur on the situation of human rights in Afghanistan (paragraph 12 of resolution 1990/53);

(f) Report of the Secretary-General on the situation of human rights in southern Lebanon (paragraph 5 of resolution 1990/54);

(g) Report of the independent expert on the human rights situation in Haiti (paragraph 12 of resolution 1990/56);

(h) Report of the Special Representative on the situation of human rights in El Salvador (paragraph 17 of resolution 1990/77);

(i) Report of the Government-elect of Chile (paragraph 9 of resolution 1990/78);

(j) Report of the Special Representative on the human rights situation in the Islamic Republic of Iran (paragraph 14 of resolution 1990/79).

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolution 1990/44.

Documentation:

Report of the Secretary-General on further progress made by the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families (paragraph 5).

15. Human rights and scientific and technological developments.

Legislative authority: Commission resolutions 1990/39 and 1990/43.

Documentation:

(a) Report of the United Nations University (paragraph 7 of resolution 1990/39);

(b) Report of the Secretary-General (paragraph 2 of resolution 1990/43).

16. Implementation of the International Convention on Suppression and Punishment of the Crime of Apartheid.

Legislative authority: Commission resolution 1990/12.

Documentation:

Report of the Group of Three established under article IX of the Convention (paragraph 16).

17. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Legislative authority: Commission resolution 1990/13.

Documentation:

(a) Report of the Secretary-General (paragraph 7);

(b) Report of the Secretary-General (paragraph 8).

18. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolution 1990/20.

Documentation:

Report of the Secretary-General (paragraph 13).

19. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission resolutions 1990/21 and 1990/25.

Documentation:

(a) Report of the Secretary-General on the progress made in the implementation of resolution 1990/21 (paragraph 9);

(b) Report of the Secretary-General on the comments of the treaty bodies (paragraph 4 of resolution 1990/25).

20. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session.

Legislative authority: Commission resolutions 1990/62, 1990/64, 1990/66, 1990/67 and 1990/68 and Commission decision 1990/107.

Documentation:

(a) Report of the Working Group on Indigenous Populations (paragraph 13 of resolution 1990/62);

(b) Report of the Chairman of the Sub-Commission (paragraph 18 of resolution 1990/64);

(c) Proposals by the Sub-Commission for further action by the Commission (paragraph 6 of resolution 1990/66);

(d) Report of the Secretary-General (paragraph 2 of resolution 1990/67);

(e) Report of the Special Rapporteur on the sale of children (paragraph 6 of resolution 1990/68);

(f) Proposals by the Sub-Commission concerning the practice of administrative detention (decision 1990/107).

21. Rights of persons belonging to national, ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1990/45.

Documentation:

Report of the Working Group (Paragraph 6 of resolution 1990/45).

22. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1990/57, 1990/58, 1990/59 and 1990/61.

Documentation:

(a) Report of the Expert on Equatorial Guinea (paragraph 9 of resolution 1990/57);

(b) Report of the Secretary-General on the progress in the implementation of the programme of advisorty services (paragraph 18) of resolution 1990/58;

(c) Report of the Secretary-General on the operation and administration of the Voluntary Fund (paragraph 13 of resolution 1990/59).

23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1990/27.

Documentation:

(a) Report of the Special Rapporteur (paragraph 14);

(b) Report of the Secretary-General on measures to implement resolution 1990/27 (paragraph 15).

24. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1990/47.

Documentation:

Reports of previous sessions of the Working Group (paragraph 1).

25. Status of the Convention on the Rights of the Child

Legislative authority: Commission resolution 1990/74.

Documentation:

(a) Report of the Secretary-General on the status of the Convention (paragraph 3);

(b) Report of the World Summit on Children as far as the promotion and implementation of the Convention on the Rights of the Child are concerned (paragraph 5).

26. Draft provisional agenda for the forty-eigth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the forty-eigth session of the Commission, together with information concerning documentation relating thereto.

27. Report to the Economic and Social Council on the forty-seventh session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

(32)

UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.2
9 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Cuba, Nicaragua* and Viet Nam: draft resolution

1990/ . The situation in Panama

The Commission on Human Rights

Recalling General Assembly resolution 44/240 of 29 December 1989,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion,

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Strongly deplores the continued intervention in Panama by the armed forces of the United States of America, which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Panama;

2. Demands that the intervention should cease immediately and that the armed forces of the United States should withdraw from Panama;

3. Demands full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;

4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama and the right of its people to decide its future in free and sovereign fashion.

- - - - -

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.2/Rev.1
14 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Cuba, Libyan Arab Jamahiriya* and Nicaragua*: draft resolution

The situation in Panama

The Commission on Human Rights

Recalling General Assembly resolution 44/240 of 29 December 1989,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion,

---

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Strongly deplores the continued intervention in Panama by the armed forces of the United States of America, which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Panama;

2. Demands that the intervention should cease immediately and that the armed forces of the United States should withdraw from Panama;

3. Demands full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;

4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama and the right of its people to decide its future in free and sovereign fashion.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.2/Rev.2
15 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Cuba, Libyan Arab Jamahiriya* and Nicaragua*: draft resolution

The situation in Panama

The Commission on Human Rights

Recalling General Assembly resolution 44/240 of 29 December 1989,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion,

---

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

1. Strongly deplores the foreign military intervention in Panama which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Panama;

2. Demands the immediate cessation of that intervention;

3. Demands full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;

4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama and the right of its people to decide its future in free and sovereign fashion.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.3
9 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Panama: draft resolution

1990/ . The situation with regard to self-determination in Panama, Nicaragua and Cuba

The Commission on Human Rights,

Considering that in the debate on item 9, "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", at the forty-sixth session of the Commission on Human Rights, the observance of the right of self-determination was questioned with reference to the political and social situation in Panama, Nicaragua and Cuba among other countries,

Considering that the Universal Declaration of Human Rights states in the preamble that "Member States have pledged themselves to achieve in co-operation with the United Nations the promotion of universal respect for and observance of human rights and fundamental freedoms",

Considering that the United Nations has a duty to promote full protection of human rights in all parts of the world,

Considering that observance of the right of "peoples to self-determination", in terms of living in a complete democracy and exercising sovereignty, has been sharply questioned with reference to those countries,

Considering that intervention by one country in another's affairs, whether peaceful or violent, constitutes disregard of its right of self-determination,

Considering that totalitarian systems of government remain in power, in disregard of human rights,

1. Calls for unconditional withdrawal of the troops which participated in the United States military action on Panamanian territory on 20 December 1989 and non-resumption of military aid to the Contras in Nicaragua, unconditional withdrawal of the thousands of Soviet military advisers from Cuba, unconditional withdrawal of Cuban troops from Angola and other African countries, withdrawal of the Cuban State's military and security advisers from Nicaragua and cessation of Nicaraguan military aid to the Salvadorian guerrillas of the Farabundo Martí National Liberation Front;

2. Condemns all totalitarian systems of government, considering them a violation of the human rights of their peoples, and in particular of their right of self-determination with regard to their domestic sovereignty.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.3/Rev.1
16 February 1990

ENGLISH
Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Panama: draft resolution

1990/... The situation with regard to self-determination in Panama, Nicaragua and Cuba

The Commission on Human Rights,

Considering that in the debate on item 9, "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation", at the forty-sixth session of the Commission on Human Rights, the observance of the right of self-determination was questioned with reference to the political and social situation in Panama, Nicaragua and Cuba among other countries,

Considering that the Universal Declaration of Human Rights states in the preamble that "Member States have pledged themselves to achieve in co-operation with the United Nations the promotion of universal respect for and observance of human rights and fundamental freedoms",

Considering that the United Nations has a duty to promote full protection of human rights in all parts of the world,

Considering that observance of the right of "peoples to self-determination", in terms of living in a complete democracy and exercising sovereignty, has been sharply questioned with reference to those countries,

Considering that intervention by one country in another's affairs, whether peaceful or violent, constitutes disregard of its right of self-determination,

Considering that totalitarian systems of government remain in power, in disregard of human rights,

1. Welcomes the withdrawal of the troops which participated in the United States military action on Panamanian territory on 20 December 1989, and demands the non-resumption of military aid to the Contras in Nicaragua, the unconditional withdrawal of the thousands of Soviet military advisers from Cuba, the unconditional withdrawal of Cuban troops from Angola and other African countries, the withdrawal of the Cuban State's military and security advisers from Nicaragua, and the cessation of Nicaraguan military aid to the Salvadorian guerrillas of the Farabundo Martí National Liberation Front;

2. Condemns all totalitarian systems of government, considering them a violation of the human rights of their peoples, and in particular of their right of self-determination with regard to their domestic sovereignty;

3. Recognizes that the present Government of Panama is composed of persons elected by the Panamanian people on 7 May 1989 in free elections, and that Panama thus exercises its right of self-determination.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.4
9 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Belgium, Denmark*, Egypt*, France, Germany, Federal Republic of, Greece*, Ireland*, Italy, Japan, Luxembourg*, Morocco, Netherlands*, New Zealand*, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland:

draft resolution

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

GE.90-10470/5255A

1990/... ISRAELI SETTLEMENTS IN THE OCCUPIED ARAB TERRITORIES

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2 of the Universal Declaration of Human Rights, everyone has the right to leave any country including his own and to return to his country,

Affirming that the Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and Arab Territories occupied by Israel since 1967, including Jerusalem,

Seriously concerned at the recent suggestions that immigrants to Israel may be settled in the Occupied Territories,

1. Affirms that the settling of Israeli civilians in the Occupied Territories is illegal and contravenes the relevant provisions of the Fourth Geneva Convention;

2. Calls upon the Government of Israel to refrain from settling immigrants in the Occupied Territories.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.5
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Algeria*, Bangladesh, Bahrain*, China, Cuba, Democratic Yemen*, Egypt*, Gambia, Ghana, India, Iraq, Jordan*, Libya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sudan*, Syria*, Tunisia*, Ukrainian SSR, United Arab Emirates*, Yemem: draft resolution

Situation in occupied Palestine

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference,

Recalling Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

---

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern at Israel's persistence in preventing the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community,

Recalling that military aggression by the forces of any State against the territory of another State constitutes an offence against the peace and security of mankind,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which encourages and supports Israel in its aggressive and expansionist policies and its continued occupation of Palestinian and other Arab territories,

1. Reaffirms that the Israeli occupation of Palestine constitutes a gross violation of human rights and an offence against the peace and security of mankind;

2. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent sovereign State on their national soil in accordance with the Charter of the United Nations and resolutions adopted by the General Assembly since 1947;

3. Reaffirms the inalienable right of the Palestinians to return to their homeland Palestine, in accordance with General Assembly resolution 194 (III) and subsequent relevant resolutions;

4. Reaffirms the right of the Palestinian people to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions, and affirms that the intifadah of the Palestinian people against the Israeli occupation since 8 December 1987 is a form of legitimate resistance and an expression of their rejection of the occupation;

5. Reaffirms its support for the call to convene an effective international peace conference on the Middle East, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, under the auspices of the United Nations, in accordance with the resolutions of the General Assembly and the Security Council, and the guarantee of the inalienable national rights of the Palestinian people, in particular their right to self-determination;

6. Strongly condemns Israel for its continued occupation of the Palestinian territories, which constitutes the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which is their right to free self-determination on their national soil;

7. Calls upon Israel to comply with its obligations under the Charter of the United Nations and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967, in accordance with the relevant United Nations resolutions;

8. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights and to liberate their land from Israeli occupation, in accordance with the Charter of the United Nations and with the relevant United Nations resolutions;

9. Requests the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-seventh session, all information pertaining to the implementation of the present resolution;

10. Requests the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation and to report thereon to the Commission at its forty-seventh session;

11. Decides to place on the provisional agenda of its forty-seventh session, as a matter of high priority, the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider, in the context of this item, the situation in occupied Palestine.

---

(39)

UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.6
9 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED TERRITORIES, INCLUDING PALESTINE

Algeria*, Bahrain*, Bangladesh, China, Cuba, Democratic Yemen, Egypt*, Gambia, Ghana, India, Iraq, Jordan*, Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nigeria, Oman*, Pakistan, Qatar*, Saudi Arabia*, Senegal, Somalia, Sri Lanka, Sudan*, Syrian Arab Republic*, Tunisia*, Ukrainian SSR, United Arab Emirates*, Yemen*: draft resolution

Question of violations of human rights in occupied Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907, as well as the

---

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

principles of international law affirmed by the General Assembly in resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

Recalling the relevant Security Council resolutions, including resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Recalling further General Assembly resolutions on Israeli violations of human rights in occupied Palestine,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599),

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging individually or collectively to private persons, collective punishment and detention, and confiscating the property of the inhabitants, including their bank accounts, as happened recently in Beit Sahour village;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions consistent with the purposes and principles of the Charter of the United Nations;

3. Calls upon Israel once more to desist from all forms of violations of human rights in occupied Palestine and to respect the principles of international law;

4. Calls upon Israel to withdraw from Palestinian and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and

international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation to the Commission on Human Rights at its forty-seventh session;

6. Further requests the Secretary-General to provide the Commission with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of occupied Palestine are living;

7. Decides to consider this subject at its forty-seventh session as a matter of high priority.

B

The Commission on Human Rights,

Recalling Security Council resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986 and 605 (1987) of 22 December 1987, as well as all its previous resolutions on the application of the Geneva Conventions of 12 August 1949 to the Palestinian and other Arab territories occupied by Israel and the refusal of Israel to abide by those Conventions,

Recalling all relevant General Assembly resolutions,

Recalling the decisions of the International Conference of the Red Cross in respect of the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recalling its previous resolutions on this question,

Taking into account that States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War undertake, in accordance with article 1 thereof, to respect and ensure respect for, the Convention in all circumstances,

Recalling the wide international support to the accession of Palestine to the four Geneva Conventions of 1949, as expressed in resolution 1989/4 of 31 August 1989 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, as well as in the resolution adopted by the Ninth Summit of the Non-Aligned Countries in Belgrade in September 1989, which both welcomed the accession of Palestine to the four Geneva Conventions of 1949,

1. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem;

2. Welcomes with high appreciation the accession of Palestine to the four Geneva Conventions of 1949;

3. Urges once more all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to make every effort to ensure respect for, and compliance with, the provisions of that Convention in all the Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem;

4. Strongly condemns once more Israel's refusal to apply the Fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons and concentration camps, and its disregard for the provisions of the Fourth Geneva Convention of 1949;

5. Strongly condemns Israel for its violations of article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War by pursuing a policy of deportation and expulsion of Palestinian citizens, and calls upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which provide for their return to their homeland, and to desist forthwith from this policy;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission at its forty-seventh session;

7. Decides to consider this subject at its forty-seventh session as a matter of high priority.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.7
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Afghanistan*, Algeria*, Angola*, Botswana, Colombia, Cuba, Libyan Arab Jamahariya*, Madagascar, Morocco, Nicaragua*, Nigeria, Peru, Swaziland, Syrian Arab Republic*, Tanzania* and Zimbabwe*: draft resolution.

Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use of force or of the threat of the use of force in international relations, enshrined in the Charter of the United Nations and

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

developed in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated with mercenary activities,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that the use of mercenaries is a threat to international peace and security,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling the relevant resolutions of the General Assembly, particularly resolution 42/96 of 7 December 1987, resolution 43/107 of 8 December 1988 and resolution 44/81 of 8 December 1989, in which the Assembly denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling Security Council resolutions 239 (1967) of July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, inter alia, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them with the objective of overthrowing the Governments of States Members of the United Nations,

Recalling its own resolutions 1986/26 of 10 March 1986, and 1987/16 of 9 March 1987, in which it condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries as well as other forms of support to mercenaries and, in the latter resolution, decided to appoint a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination,

Recalling also its resolutions 1988/7 of 22 February 1988, 1988/30 of 8 March 1988 and 1989/21 of 6 March 1989 by which the mandate of the Special Rapporteur was continued,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of States and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing the use of mercenaries and its adverse effects on the independence and territorial integrity of African States,

Reaffirming the decision in General Assembly resolution 32/130 of 16 December 1977 to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Alarmed at the emergence of new criminal activities of mercenaries in collusion with drug traffickers, in some countries especially Colombia,

Concerned that small island States, such as the Comoros and Maldives, are especially vulnerable to mercenary activity,

Deeply concerned at the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of Central American and Southern African countries resulting from mercenary aggression,

Welcoming the adoption by the General Assembly of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which constitutes an important step forward in the matter and an important new instrument for States wishing to make adjustments in their domestic legislation,

Taking into account the existence of mercenary activities, with the characteristics set forth in the report of the Special Rapporteur (E/CN.4/1990/11), against Angola, the Comoros, Maldives and Nicaragua,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing or overthrowing the Governments of Southern Africa, the Comoros, Maldives and Nicaragua and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. Considers it inadmissible to use channels of humanitarian and other assistance to finance, train and arm mercenaries;

3. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

4. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for recruitment, assembly, financing, training and transit of mercenaries or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity;

5. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory, as well as all other forms of support and assistance to mercenaries;

6. Expresses the hope that the International Convention against the Recruitment, Use, Financing and Training of Mercenaries will be signed and ratified by the largest possible number of States in order to assure its entry into force in the shortest possible time;

7. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1990/11);

8. Decides to extend the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commission;

9. Expresses its appreciation to the Governments of Angola, Nicaragua as well as other Governments for the co-operation which they extended to the Special Rapporteur;

10. Reaffirms the right of all countries to non-interference in their internal affairs, self-determination and full sovereignty, and welcomes the steps taken towards the peaceful solution of the conflicts particularly in Central America and Southern Africa;

11. Decides that the Special Rapporteur in carrying out his mandate shall continue to seek the co-operation of governmental organizations and national liberation movements recognized by regional intergovernmental organizations;

12. Requests the Secretary-General to continue to provide all necessary financial resources and sufficient staff to the Special Rapporteur;

13. Requests the Special Rapporteur, in carrying out his mandate, to follow closely the process of ratification and the mode of application of the International Convention against the Recruitment, Use, Financing and Training of new Mercenaries and to use his good offices to encourage States to become parties to the Convention, and further requests the Special Rapporteur to include in his future reports information on the state of ratifications and the mode of application of the Convention;

14. Further requests the Special Rapporteur, in carrying out his mandate, to continue to study credible and reliable reports of mercenary activity in developing countries, in particular smaller States, to determine the scope and implications of such activities and the possible responsibility of third parties by means, inter alia, of on-site visits where appropriate;

15. Also requests the Special Rapporteur to seek the point of view of those Governments in whose territories, according to the information communicated to him, mercenaries may have been recruited or trained or may have been provided with facilities for launching armed aggression against other States;

16. Also requests the Special Rapporteur to develop further the position that mercenary acts, are means of violating human rights and thwarting the self-determination of peoples;

17. Urges all Governments, particularly those which have suffered from acts of mercenaries, to facilitate the task of the Special Rapporteur and to invite him to conduct on-site visits where appropriate;

18. Recommends that the Special Rapporteur accepts the invitation extended to him by the Government of Maldives to visit that country and carry out a thorough investigation of the mercenary activity to which it has been subject;

19. Requests the Special Rapporteur to submit to the Commission at its forty-seventh session a report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, together with his conclusions and recommendations, and to submit a preliminary report to the General Assembly at its forty-fifth session under the item "Importance of the Realization of the Right of Peoples to self-determination and the Speedy Granting of Independence to Colonised Countries and Peoples for the Effective Guarantee and Observance of Human Rights";

20. Recommends to the Economic and Social Council that it makes appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution;

21. Decides to continue the consideration of the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination at its forty-seventh session as a matter of high priority under the agenda item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

UNITED
NATIONS

(41)

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.8
12 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Afghanistan*, Algeria*, Angola*, Bahrain*, Burundi*, Cuba, Ethiopia, Gabon*, Gambia, Ghana*, Iraq, Kenya*, Libyan Arab Jamahiriya*, Madagascar, Mauritania*, Morocco, Nicaragua*, Nigeria*, Rwanda*, Sao Tome and Principe, Senegal, Somalia, Sudan*, Swaziland, Syria*, Tanzania*, Togo*, Tunisia*, Ukrainian Soviet Socialist Republic, Zaire* and Zimbabwe*: draft resolution

Situation in southern Africa

The Commission on Human Rights,

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

---

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the financial commissions of the Economic and Social Council.

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Bearing in mind that the provisions of Additional Protocol I of 1977 to the Geneva Conventions of 12 August 1949 apply to freedom fighters in South Africa fighting for democracy, freedom and self-determination,

Recalling General Assembly resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the Harare Declaration of 21 August 1989 on the question of South Africa by the Organization of African Unity Ad hoc Committee on Southern Africa,

Recalling Organization of African Unity resolution 1207 (L) of July 1989 on South Africa adopted by the Council of Ministers during its fortieth ordinary session, in Addis Ababa,

Deeply concerned about the acts of aggression and destabilization perpetrated by the Pretoria régime against front-line States,

Condemning the continued colonialist and racist oppression of millions of Africans by the racist minority régime of South Africa, through its persistent and intransigent attitude towards all efforts being made to bring about a democratic and internationally acceptable solution to the situation obtaining in South Africa,

Reaffirming that "bantustanization" is incompatible with genuine independence, national unity, self-determination and territorial integrity and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

Convinced that the system of apartheid is a gross violation of the right to self-determination of the people of South Africa,

Reaffirming the legitimacy of the struggle of the peoples of South Africa for their right to self-determination,

Condemning the so-called general election held on 6 September 1989 as it seeks to further entrench white supremacy, and impede the realization of free and fair elections based on universal adult suffrage in a united and democratic South Africa,

Taking note of the statement made by Mr. F.W. De Klerk on 2 February 1990, particularly the reference made with regard to the release of Nelson Mandela and the lifting of the ban on anti-apartheid parties and movements,

Taking note also of the Declaration on apartheid and its destructive consequences in South Africa adopted on 18 December 1989 by the sixteenth special session of the United Nations General Assembly, A/RES/S-16/1,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without delay their inalienable right to self-determination and independence;

2. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, in accordance with the Charter of the United Nations and relevant United Nations resolutions for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa;

3. Reiterates its affirmation that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and poses a serious threat to international peace and security;

4. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide all moral and material assistance to the oppressed people of South Africa;

5. Strongly condemns the continued violations of the Human Rights of peoples still under colonial and foreign domination and the perpetuation of the racist minority régime in South Africa;

6. Condemns the policy of "bantustanization", which denationalizes the majority of the South African people and is contrary to the principle of self-determination and inconsistent with genuine independence, national unity and territorial integrity;

7. Condemns the imposition of censorship and other restrictions on the media by the racist régime, in particular on press reports and the transmission of audio-visual material, aimed at concealing from world public opinion the ruthless atrocities perpetrated by the apartheid régime against the peoples of South Africa;

8. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence and that it guarantee full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid régime of South Africa against front-line and other neighbouring States, and in this regard demands that all States impose mandatory and comprehensive sanctions against South Africa, in order to stop it committing further acts of aggression and destablilization of neighbouring States;

10. Demands a democratic and non-racial solution in South Africa based on the principle of universal and equal suffrage without any discrimination, in order to allow the people of South Africa freely to enjoy their right to self-determination;

11. Demands that all necessary measures be taken to dismantle the system of apartheid;

12. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners as well as detainees, and calls on the South African régime to refrain from imposing any restriction on them;

13. Calls for the full implementation of the General Assembly Declaration on apartheid and its destructive consequences in South Africa adopted on 18 December 1989 by the United Nations General Assembly at its sixteenth special session;

Decides to include in the provisional agenda of its forty-seventh session the item "the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

---

(42)

UNITED
NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.9
12 February 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHTS OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Afghanistan*, Algeria*, Botswana, Burundi*, Cuba, Ghana, Madagascar, Nicaragua* and Viet Nam*: draft resolution

Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Reaffirming General Assembly resolution 44/88 of 11 December 1989 on the question of Western Sahara,

Recalling resolution AHG/Res. 104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983.

---

*/ In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Taking note with appreciation of the resolution on Western Sahara adopted by the ninth Conference of Heads of State and Government of the Non-Aligned countries held at Belgrade from 4 to 7 September 1989,

Recalling Security Council resolution 621 (88) of 20 September 1988 on the question of Western Sahara,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983, 1984/13 of 29 February 1984, 1985/5 of 26 February 1985, 1986/21 of 10 March 1986, 1987/3 of 19 February 1987, 1988/5 of 22 February 1988 and 1989/18 of 6 March 1989,

Noting with appreciation the continuation of the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to implementing Organization of African Unity resolution AHG/Res. 104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara;

2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Emphasizes the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the Secretary-General of the United Nations and the Chairman of the Organization of African Unity to hold a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

4. Welcomes the efforts of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

5. Further welcomes the progress achieved through the joint good offices process and urges the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to continue and

intensify their efforts to resolve outstanding problems and thereby to create the conditions necessary for holding a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints and supervised by the United Nations in co-operation with the Organization of African Unity;

6. Notes with satisfaction the establishment of a Technical Committee to assist the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations in their joint good offices to solve the question of Western Sahara, and is gratified by the appointment of Mr. Johannes J. Manz as special representative of the Secretary-General of the United Nations for the question of Western Sahara;

7. Welcomes the talks at Marrakesh between His Majesty King Hassan II of the Kingdom of Morocco and a high-ranking delegation of the Frente Popular para la Liberacíon de Saquia el-Hamra y de Río de Oro, and endorses the hope expressed by the Secretary-General of the United Nations and the current Chairman of the Organization of African Unity that further meetings of this nature will take place in order to strengthen prospects for the success of the peace process;

8. Expresses its conviction that continuation of the direct dialogue between the two parties to the conflict could contribute to the successful conclusion of the joint good offices process of the Chairman of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara, and to the stability and security of the region as a whole;

9. Associates itself with the United Nations General Assembly's appeal to the Kingdom of Morocco and the Frente Popular para la Liberacíon de Saquia el-Hamra y de Río de Oro to display a spirit of co-operation and the political good will necessary to ensure the success of the joint good offices process of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations;

10. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and report thereon to the General Assembly at its forty-fourth session;

11. Decides to follow the development of the situation in Western Sahara and to consider this question within the framework of the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its forty-seventh session, as a matter of high priority.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/1990/L.9/Rev.1
14 February 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Draft resolution submitted by the Chairman

Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling General Assembly resolution 44/88 of 11 December 1989 on the question of Western Sahara,

Recalling resolution AHG/Res. 104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Taking note with appreciation of the resolution on Western Sahara adopted by the ninth Conference of Heads of State and Government of the Non-Aligned countries held at Belgrade from 4 to 7 September 1989,

Recalling Security Council resolution 621 (88) of 20 September 1988 on the question of Western Sahara,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983, 1984/13 of 29 February 1984, 1985/5 of 26 February 1985, 1986/21 of 10 March 1986, 1987/3 of 19 February 1987, 1988/5 of 22 February 1988 and 1989/18 of 6 March 1989,

Reitering its support for the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to implementing Organization of African Unity resolution AHG/Res. 104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara;

2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Emphasizes the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the joint proposals of the Chairman of the Organization of African Unity and the Secretary-General of the United Nations to hold a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

4. Welcomes the efforts of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

5. Further welcomes the progress achieved through the joint good offices process and urges the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts to resolve outstanding problems and thereby to create the conditions necessary for holding a referendum for self-determination of

the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

6. Notes with satisfaction the establishment of a Technical Committee to assist the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations in their joint good offices to solve the question of Western Sahara;

7. Welcomes the talks at Marrakesh between His Majesty King Hassan II of the Kingdom of Morocco and a high-ranking delegation of the Frente Popular para la Liberacíon de Saguia el-Hamra y de Río de Oro, and endorses the hope expressed by the Secretary-General of the United Nations and the current Chairman of the Organization of African Unity that further meetings of this nature will take place in order to strengthen prospects for the success of the peace process;

8. Expresses its conviction that continuation of the direct dialogue between the two parties to the conflict could contribute to the successful conclusion of the joint good offices process of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara, and to the stability and security of the region as a whole;

9. Associates itself with the United Nations General Assembly's appeal to the Kingdom of Morocco and the Frente Popular para la Liberacíon de Saquia el-Hamra y de Río de Oro to display a spirit of co-operation and the political good will necessary to ensure the success of the joint good offices process of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations;

10. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and report thereon to the General Assembly at its forty-fifth session;

11. Decides to follow the development of the situation in Western Sahara and to consider this question within the framework of the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its forty-seventh session, as a matter of high priority.